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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,592	02/27/2004	Elia Rocco Tarantino	ZDICE.0024P	7776
32856	7590	12/05/2005		
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			EXAMINER COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,592	TARANTINO, ELIA ROCCO	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

Talkin

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/27/04, 9/1/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded to update the Cross Reference to Related Applications section of the specification.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margolin (US Patent Number 6,277,025) and Moore, Jr. (US Patent Number 6,213,879).

Claim 1, 5: Margolin teaches a method of playing a game in which a player attempts to receive a combination of linked indicia. (Abstract) There is a matrix of m rows and n columns where m and n are at least 2. (Fig 1) Margolin teaches displaying indicia in the positions of the matrix and awarding a winning for combinations (that could be at

least three) of identical indicia that are displayed in linked positions anywhere in the matrix. (Col 5, 19-28) The indicia which are displayed in each position have a probability of being the same as or different from those displayed in other positions of the matrix -- there is a finite probability of any chance occurrence. Margolin does not specifically teach accepting a wager or paying for each combination of at least three identical indicia. Moore teaches accepting a wager. (Fig 3, 49) Accepting a wager is well known to the gaming art. This is how casinos make a profit. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Margolin's gaming device in view of the teachings of Moore to accept wagers in order to allow the casino to make money. Moore also teaches paying for a combination of two or more indicia. (Abstract) Determining the number of matched indicia will generate a payout determines the percentage of payout for the gaming machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Margolin's gaming device in view of the teachings of Moore to provided a payout for all groups containing at least two (or three) linked indicia in order to set the payout at the desired level. This is paying if the indicia appears more than a predetermined number of times in the matrix.

Claims 2, 3, 6, 10: Margolin does not teach dice indicia. The indicia may take any form desired to match the theme selected for the game. Moore's indicia are dice indicia that have images of six sides of a die. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Margolin's indicia in view of Moore to be dice indicia in order to match the theme chosen by the game designer.

Claims 4, 11: Margolin's matrix may be made to be any size desired. Margolin's matrix has N x M columns where N is at least 9. (Fig 1) The size of the matrix is a matter of design choice.

Claim 7: Moore teaches simulating the roll of a die. (Col 14, 23-25)

Claim 8: Margolin teaches determining if one or more of the indicia appear more than a predetermined time anywhere in the matrix and paying a winning. Margolin teaches paying a winnings if there are groupings that include two identical indicia in a single row, column, or spanning from a first column to the last column. (Fig 1) The predetermined number is two. The indicia may appear anywhere on the screen and if there are two or more linked together, Margolin pays.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Margolin and Moore as applied to claim 5 above, and further in view of Perrie et al. (US Patent Number 6,173,955).

Claim 7: Margolin and Moore teach the invention substantially as claimed. As noted above, Examiner believes Moore teaches displaying a simulation of dice rolling. If, however, Moore fails to teach this, Perrie clearly teaches displaying a simulation of dice rolling. Animation is well known to attract players. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the game as taught by Margolin and Moore in view of Perrie to displaying a simulation of dice rolling in order to attract players.

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4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Margolin and Moore as applied to claim 5 above, and further in view of Congello, Jr. (US Patent Number 6,296,569).

Claim 9: Margolin and Moore teach the invention substantially as claimed but do not teach making the winning based on the size of the wager. This is extremely well known in the art. Congello teaches making the winning based on the size of the wager.

(Abstract) This provides an incentive to increase the amount bet – if the payout is the same no matter what the amount bet, players will naturally bet the minimum. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the game as taught by Margolin and Moore in view of Congello in order to provide an incentive to increase the size of the bet.

Conclusion

3. This is a continuation of applicant's earlier Application No. 10/004,102. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

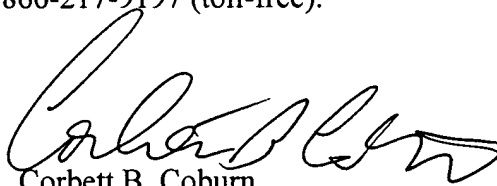
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn
Examiner
Art Unit 3714